

CONSERVATION COMMISSION

REGULAR MEETING DECEMBER 15, 2009

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Beyer, Forte, Igielski Longo and Pappa were present. Also present were Alternates Harlow, Turgeon and Zelek and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Harlow would vote for Commissioner Shapiro.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of November 17, 2009

Motion made by Commissioner Igielski to accept the minutes as submitted and was seconded by Commissioner Pappa. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

Election of Officers

Office of Chairman

Motion made by Alternate Harlow to place in nomination the name of Philip Block.

Motion made by Commissioner Longo to place in nomination the name of Commissioner Pappa.

Motion made by Commissioner Igielski to close the nominations. There was no discussion. Vote was 4 (Beyer, Forte, Longo and Pappa) for Commissioner Pappa and 3 (Block, Harlow and Igielski) for Commissioner Block and Commissioner Pappa was elected Chairman.

NOTE: Mr. Pappa assumed the position of the Chair.

Office of Vice-Chairman

Motion made by Commissioner Igielski to place in nomination the name of Philip Block and was seconded by Alternate Harlow.

Motion made by Chairman Pappa to place in nomination the name of Commissioner Igielski and was seconded by Commissioner Longo.

Vote was 3 for Commissioner Block (Beyer, Block and Harlow) and 3 for Commissioner Igielski (Igielski, Longo and Pappa) and 1 abstention (Forte).

NOTE: Tie vote. The position remains open.

Office of Secretary

Motion made by Commission Igielski to place in nomination the name of Philip Block and was seconded by Chairman Pappa..

Vote was 7 yes, 0 no and Commissioner Block was elected Secretary.

ITEM VB

Approve meeting schedule for 2010 & January 2011

Town Engineer Anthony Ferraro noted that the agenda package included a proposed meeting schedule for 2010 and January 2011.

Motion made by Commissioner Igielski to accept the proposed meeting schedule for 2010 and January 2011 (third Tuesday of the month for the regular meeting and the first Tuesday of the month except for the month of November [election day] to cover the possible need to hold a special meeting or workshop) as submitted and was seconded by Commissioner Block. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEMV C

Application 2009-14, 1268 Main Street

Mr. Alan Bongiovanni, President of the Bongiovanni Group and representing the applicant (Reno Properties), entered the following remarks into the record:

- A. The parcel of land to be developed under this application is the vacant parcel that abuts the southerly property line of subject parcel (1268 Main Street).
- B. The vacant parcel of land is being combined with the subject parcel (1268 Main Street) for the purpose of showing a functional plan of development for both parcels.

- C. The combined area of the two (2) parcels is 1.6 acres. An existing two (2) story professional building sits on the subject parcel (1268 Main Street).
- D. The proposal is to construct a 2,500 square foot bank structure.
- E. There are no wetlands located on the vacant property. Therefore, all activity would occur within the upland review area. The 100 foot upland review area line extends approximately 30 to 35 feet north and along the southerly property line of the vacant parcel of land.
- F. The proposed plan of development for the vacant parcel would have no effect on the (off site) wetland.
- G. The on site (vacant parcel) storm water drainage system would be a closed conduit system that would direct the flow into a pre-treatment structure that would outlet into an under ground detention system. The outlet flow from the detention system would flow into a level spreader located at the southeast corner of the property. All catch basins would have a hood trap placed over the outlet pipe from the basin.
- H. There is no structure located on the vacant parcel of land.

Commissioner Block noted that the site plan shows two (2) separate storm water drainage systems. He noted the existing system (on 1268 Main Street) outlets into an existing (conduit) system (on the abutting property to the east). He raised a question on the use of the level spreader on the new drainage system. Mr. Bongiovanni noted that the outlet treatment was still under discussion with staff.

Mr. Ferraro noted the drainage calculations indicate that there would be no increase in pre-development flow leaving the site.

Commissioner Block asked for what storm event was the detention system designed to accommodate? Mr. Bongiovanni responded for the 25 year storm event.

Chairman Pappa asked if any measures would be taken to screen the new development from residence to the south? Mr. Bongiovanni responded a fence with landscaping would be installed along the south property line.

Alternate Zelek ask what would be the distance between the new bank building and the existing house to the south? Mr. Bongiovanni responded about 45 feet.

ITEM VI A

Application 2009-13, 340 Church Street

Chairman Pappa asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-13 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Block. There was no discussion. Vote was 4yes, 0 no, 3 abstentions (Beyer, Forte, and Longo) and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2009-13 and subject to conditions. Motion was seconded by Commissioner Block. There was no discussion. Vote was 4 yes, 0 no, 3abstentions (Beyer, Forte and Longo) and the motion was carried.

NOTE: Refer to audio tape or “Official Notification of Action” for conditions of the permit.

ITEM VI B

Inland and Watercourses Regulations-Revisions to Standard Conditions

Mr. Ferraro entered the following remarks into the record:

- A. A copy of the updated Regulations was forwarded to the Town Attorney for review and comment. A one page response was received from him, which stated that the revisions were in accordance with the Regulations.
- B. A copy of the updated Regulations was forwarded to DEP for review and comment. DEP acknowledged receipt of the updated Regulations. However, the Agency stated that it was not conducting regulation reviews at this time. A copy of the Agency’s “Model Regulations” was included with the response.

A motion was made by Commissioner Block to hold a public hearing on the updated Regulations.

There was a short discussion among Commission members (listen to audio tape for details)

Commissioner Block withdrew his motion.

Commissioner Igielski said he had no problem with the Town Attorney’s response. However, he (Town Attorney) made reference in his response to the “Botticello Case” and indicated the Commission should keep said case in mind.

Commissioner Igielski requested that the Town Attorney appear at the January meeting to explain the case.

Commissioner Igielski asked for a consensus that the following two (2) motions were in order:

A. The Commission accept the proposed changes noted in the updated November 17, 2009 “Draft Copy of the Regulations”.

B. Commission set a date for the public hearing on the updated copy of the Regulations.

It was the consensus of Commission members that two (2) votes were in order.

Motion made by Commissioner Igielski that the Commission accept the noted changes in the updated November 17, 2009 “Draft Copy of the Regulations” and was seconded by Alternate Harlow. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Forte and Longo) and the motion was carried.

Commissioner Igielski noted that the Commission in his opinion could not act on the second motion tonight because the DEP requires 35 days notice prior to the holding of the public hearing. The January 2010 meeting date does not meet this requirement. Consideration should be given to holding the public hearing at the February 16th meeting.

Mr. Ferraro noted that he was aware of the 35 day requirement. In his letter to the DEP, he noted that the public hearing would be held at the January (2010) meeting with confirmation to follow.

Commissioner Block noted it was his opinion that technical notice was provided to DEP (through Mr. Ferraro’s letter).

Commissioner Block noted that the Town Attorney and DEP responses could be made part of the public hearing.

Chairman Pappa said he concurred with Commissioner Block’s assessment and that the public hearing could be held at the January (19, 2010) meeting.

Motion made by Commissioner Block that the Commission hold a Public Hearing on the November 17, 2009 “Draft Copy of the Town of Newington Inland Wetland and Watercourses Regulations” next month (on January 19, 2010 at 7:00 p.m. in the E. Curtis Ambler Room, Town Hall) and was seconded by Commissioner Beyer. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Alternate Harlow noted there is an organization known as “The Connecticut Environmental Review Team (Team)” that would evaluate open space areas at no cost to the Town. We should make a request for the Team to come and evaluate open space areas in Town. Recording Secretary Peter Arburr noted from his past experience (as Town Engineer), the Team looked for a specific site versus a shotgun approach. Alternate Harlow said the Town should look at

opportunity sites as well as Cedar Mountain. He also noted that a request can only be made by the Chairperson of the Conservation Commission, Board of Parks and Recreation and Town Plan and Zoning Commission. Chairman Pappa said that he would like to do some research and come back next month. He requested that the item be placed on the agenda for next month's meeting. Mr. Ferraro expressed a concern that with no application before a (Town) commission at this time, the Team would not have the right to go onto private property.

Motion made by Commissioner Block to adjourn meeting at 8:00 p.m. and was seconded by Commissioner Longo. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)